

1 Noel Matthew Cook
2 OWEN, WICKERSHAM & ERICKSON P.C.
3 455 Market Street, 19th Floor
4 San Francisco, California 94105
5 Phone no.: (415) 882-3200
6 Fax no.: (415) 882-3232

5 William S. Strong, Esq.
Amy C. Mainelli, Esq.
6 KOTIN, CRABTREE & STRONG LLP
One Bowdoin Square
7 Boston, MA 02114
Phone no.: (617) 227-7031 ext. 527
Fax no.: (617) 367-2988

8 Attorneys for Plaintiffs

9 Kimberly A. Donovan (State Bar No. 160729)
10 Sallie Kim (State Bar No. 142781)
11 GCA LAW PARTNERS LLP
12 1891 Landings Drive
Mountain View, CA 94043
(650) 428-3900
(650) 428-3901 [fax]

Attorneys for Defendants

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

18 | AMERICAN CHEMICAL SOCIETY, et al,

No. C06-4414 JW HRL

19 | Plaintiffs,

20 |

21 | COMMAX TECH

22 Defendants,

24 and related Cross Action.

STIPULATION AND
[REDACTED] ORDER MODIFYING
DATES

JUDGE: The Honorable James Ware

COURTROOM: 8, Fourth Floor

1 The parties have engaged in discovery and are in the process of completing discovery.
 2 However, due to scheduling issues, the parties have found it necessary to schedule several
 3 depositions after the discovery cut-off date. Specifically, the depositions of the persons most
 4 knowledgeable from each of the Plaintiff entities are presently scheduled to take place
 5 between April 7 and 25, 2008. Accordingly, the parties hereby stipulate to extend the
 6 discovery cut-off with respect to these depositions to April 30, 2008.

7 Due to the scheduling of these depositions and the court's busy calendar, the parties
 8 further seek to modify the last date for hearing of dispositive motions in this case, extending
 9 the date by two weeks. Accordingly, the parties stipulate that the last date for hearing of
 10 dispositive motions shall be June 16, 2008.

11 A dispute has arisen between the parties with respect to the depositions of plaintiffs'
 12 designees under Rule 30(b)(6) of the Federal Rules of Civil Procedure. Defendants seek to
 13 take these depositions in the Northern District of California. Plaintiffs wish for these
 14 depositions to be taken at or near the designees' places of business, on the East Coast of the
 15 United States and in the United Kingdom. The parties have proposed various compromises.
 16 In the interest of time and use of resources, the parties have agreed that the depositions of the
 17 East Coast designees will take place in New York and the depositions of the UK deponents
 18 will take place telephonically, but that defendants will not be deemed to have waived their
 19 right to seek an order requiring plaintiffs to pay the additional costs defendants shall have
 20 incurred by having the depositions take place on the East Coast rather than in the Northern
 21 District of California. The parties have agreed that the fact that the parties agreed to this
 22 compromise and that the depositions will have already taken place by the time this matter is
 23 before the court shall not be considered in determining the motion. In the interest of judicial
 24 economy, minimizing use of resources by the parties, and minimizing need for further travel,
 25 the parties wish to allow this motion to be filed (if at all) by the new last date for filing
 26 dispositive motions (May 5) and that the motion be decided without a hearing (unless the
 27 court determines a hearing is necessary). Consistent with this, the parties stipulate that

28

1 Defendants may file a motion to recover certain costs relating to plaintiffs' depositions up
2 through May 5, 2008.

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4 **IT IS SO STIPULATED.**

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6 KOTIN, CRABTREE & STRONG, LLP

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Dated: March 28, 2008

8 /s/ William S. Strong

9 William S. Strong, Esq., BBO #483520

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Attorneys for Plaintiffs
AMERICAN CHEMICAL SOCIETY,
AMERICAN INSTITUTE OF PHYSICS,
BLACKWELL PUBLISHING, INC.,
ELSEVIER, INC., INFORMA UK LTD.,
INFORMA USA, INC., SPRINGER SCIENCE
AND BUSINESS MEDIA LLC,
WILEY PERIODICALS, INC., and
WILEY-LISS, INC.

17 GCA LAW PARTNERS LLP

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Dated: March 28, 2008

18 /s/ Kimberly Donovan

19 Kimberly A. Donovan

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21 Attorneys for Defendants
22 COMMEX TECHNOLOGIES, INC.,
23 COMMEX WORLDWIDE, HENRY SHIOW-
MING CHEN, DAPHNE L. CHEN, JERSEY
24 CHENEY (erroneously named as JERSEY
CHEN), LIANG-WANG HOW, CHEN-LING
KONG, KUO REUIH PAN, and SUNNY CHEN
25 YOUNG

1 **GOOD CAUSE SHOWN, IT IS ORDERED** that the Discovery Cut-Off shall be
2 extended to April 30, 2008, with respect to the depositions identified above. The last date for
3 hearing dispositive motions shall be extended by two weeks, to June 16, 2008. Additionally,
4 Defendants may file a motion relating to costs of plaintiffs' depositions up through May 5,
5 2008.

6 The parties may not Stipulate to further extension of discovery deadlines.

7 Dated: April 1, 2008


Hon. James Ware
Judge of the U.S. District Court
Northern District of California

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